

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

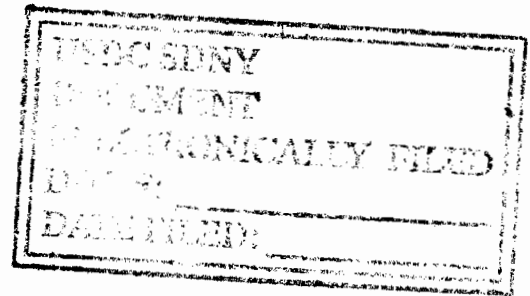
AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Civil Action No. 41-1395 (WCC)

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Wireless Transmissions and
Internet Transmissions by

AT&T WIRELESS f/k/a CINGULAR WIRELESS



STIPULATION


WHEREAS, on August 18, 2008, applicant AT&T Mobility LLC ("AT&T") served papers in support of its Motion for Summary Judgment on Ringtone and Ringback Tone Previews (the "Motion");

WHEREAS, the American Society of Composers, Authors and Publishers ("ASCAP") has a due date of September 9, 2008 to serve its papers in opposition to the Motion;

WHEREAS, on August 19, 2008, ASCAP served its Interim Fee Proposal;

WHEREAS, AT&T's responsive brief and counterproposal to ASCAP's Interim Fee Proposal is currently due on or before September 9, 2008, and ASCAP's reply is currently due on or before September 19, 2008;

WHEREAS, counsel for AT&T and ASCAP have conferred and, subject to Court approval, have agreed to extend the response dates provided above.

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NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and

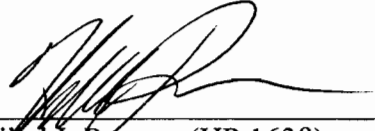
between the undersigned counsel, that:

1. ASCAP's opposition to AT&T's Motion shall now be due on or before September 26, 2008; however, in the event that the *amicus curiae* brief of the Digital Media Association ("DiMA") is submitted after September 19, 2008, ASCAP's opposition shall be due seven (7) calendar days after the submission of DiMA's *amicus curiae* brief.
2. AT&T's reply papers in further support of the Motion shall be due on or before October 6, 2008; however, in the event that ASCAP's opposition to AT&T's motion is submitted after September 26, 2008, AT&T's reply papers in further support of the Motion shall be due ten (10) calendar days after the submission of ASCAP's opposition.
3. AT&T's responsive brief and counterproposal to ASCAP's Interim Fee Proposal shall now be due at or before 5:00 p.m. Eastern Daylight Time on September 15, 2008.
4. ASCAP's reply to AT&T's responsive brief and counterproposal to ASCAP's Interim Fee Proposal shall now be due on or before September 25, 2008.


IT IS FURTHER HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that for the purpose of this Stipulation, facsimile and/or electronic signatures are acceptable and permitted and shall be considered original and authentic.

Dated: New York, New York
September 8, 2008

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*Attorneys for American Society of Composers,
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SO ORDERED:


Sr. U.S.D.J.

Dated: white Plains, NY
Sept. 12, 2008